

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CATHOLIC CHARITIES CYO
(SAN FRANCISCO), et al.,

Plaintiffs,

No. C 07-1307 PJH

v.

ORDER

MICHAEL CHERTOFF, Secretary,
U.S. Department of Homeland
Security, et al.,

Defendants.

The court is in receipt of a stipulated request regarding the filing of defendants' answer or motion to dismiss and the briefing on plaintiffs' motion for class certification. Defendants shall file their answer or motion to dismiss on or before May 29, 2007, as stipulated, and the opposition and reply shall be filed in accordance with the Civil Local Rules of this court.

However, the court finds that the motion for class certification must be administratively terminated. Plaintiffs may re-notice the motion once the pleadings are settled. That is, plaintiffs may re-notice the motion following either defendants' filing of an answer to the complaint (and no motion to dismiss) or the court's ruling on defendants' motion to dismiss. In the event that defendants file a motion to dismiss and the court grants the motion with leave to amend, the motion for class certification may not be re-

1 noticed until after defendants have answered the amended complaint.

2 The date for the case management conference, previously set for June 28, 2007, is
3 VACATED. Once the pleadings are settled, the parties shall contact the courtroom deputy
4 to schedule a new date for the case management conference.

5

6 **IT IS SO ORDERED.**

7 Dated: May 18, 2007



8 PHYLIS J. HAMILTON
9 United States District Judge